

CITY COUNCIL OF THE CITY OF ANNAPOLIS

CHARTER AMENDMENT NO. CA-06-08

Introduced by Alderman Cordle

Co-sponsored by Alderwoman Finlayson
Alderwoman Hoyle

LEGISLATIVE HISTORY			
First Reader:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
Referred to:	Meeting Date:	Action Taken:	
Rules and City Gov't			

A RESOLUTION concerning

City Manager Form of Government II

FOR the purpose of clarifying the role of the City Manager as chief administrative officer; enhancing the supervisory powers of City Manager with respect to departmental directors; providing that the dismissal of the City Manager must be approved by the mayor; and all matters generally relating to the powers and duties of the elected and appointed officials.

BY repealing and reenacting with amendments the following portions of the City Charter:

- Article I, Section 2
- Article IV, Section 2
- Article IV, Section 2A
- Article IV, Section 11
- Article V, Section 1
- Article VI, Section 2
- Article VI, Section 2B

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Charter of the City of Annapolis shall be amended as follows:

Article I, Section 2. Exercise of general powers.

The power of the city shall be exercised solely by the mayor, the city council, the city manager, the commissions, boards, and committees and by the officers, agents and employees of the city acting under and by virtue of their respective authority as provided by law.

Article I, Section 3. Declaration of principles

The making of policy is a matter for elected officials, the Mayor and aldermen, who are directly accountable to the voters. Appointed officials who are trained and experienced in public administration carry out or implement policy. The City's chief executive officer carries out the implementation of policy with elected and appointed officials in federal, state, and local agencies, and experienced professionals.

Article IV, Section 2. General powers and duties.

(a) The city council shall be the legislative body of the City of Annapolis vested with the power to enact laws. The city council shall have the authority to enact all laws necessary or convenient for the exercise of the powers granted to the City of Annapolis for the proper functioning of the government of the city and for enforcement of these laws. Except as otherwise provided by the city council, all laws adopted by the council shall take effect upon the date of adoption.

(b) The powers and duties of the city council include the power and duty to conduct oversight of the expenditure of public money and the delivery of municipal services.

~~(b)~~ (c) The city council shall sit as the planning and zoning authority of the city, except for those functions delegated to the board of appeals, the planning commission or to the planning and zoning director.

~~(c)~~ (d) The city council shall perform such other functions as specified in this Charter or by ordinance, or as conferred upon local governing bodies by the laws of the State of Maryland.

Article IV, Section 2A. Limitation on conduct of aldermen.

Aldermen may not direct the work of a director or employee of a department. An alderman who violates this prohibition is guilty of misconduct in office and is subject to expulsion from office. This prohibition does not preclude an alderman from submitting an inquiry or request to a department director or employee of a department. Further, the aldermen shall have such administrative and professional staff and consulting services as may be provided for in the annual budget.

Article V, Section 1. Chief executive officer.

The mayor shall be the chief executive of the city;. The primary responsibilities of the mayor are the formulation of policy and implementation of long range plans; the recommendation of implementing legislation; and the general supervision of the city's finances. The mayor shall be the immediate supervisor of the city administrator manager; and. A mayor who violates this prohibition is guilty of misconduct in office and is subject to removal from office in accordance with Article IV, section 6. In all matters relating to directing the work of departmental directors and employees, the mayor shall work through the city manager. The mayor shall devote full time to the duties of the office.

Article VI, Section 2. Department directors--Duties generally, appointment; removal; compensation.

A. Each department shall be administered by a director who shall be the appointing authority for that department, shall hire and terminate departmental staff; shall be responsible for the execution of the duties and responsibilities of the department; shall meet and confer with the city manager; and shall perform such other functions as are delegated from time to time by this Charter, by ordinance, or by the mayor.

Each director shall be appointed by the city manager with the approval of the mayor and shall be confirmed by the city council. In referring a nominee an appointee for confirmation, the mayor city manager shall describe the manner in which the nominee appointee fulfills the qualification for the position as enumerated in this article and as may be established by ordinance not inconsistent therewith. A director may be removed from office by the city manager with the approval of the mayor. The compensation of each director shall be fixed by the city manager with the approval of the mayor according to the provisions of an executive pay plan adopted by ordinance.

B. Upon the occurrence of a vacancy in the directorship of a department, the city manager with the approval of the Mayor shall promptly designate a qualified person to serve as acting director. An acting director may exercise all the powers of the director and enjoy the immunity accorded to the director. An acting director shall receive such compensation as determined by the city manager with the approval of the Mayor. However, if a directorship remains vacant for six months, no compensation may be paid to an acting director without the express consent of the Council. If a directorship remains vacant for an additional period of six months or more, further compensation for an acting director must be approved by the Council at every six month interval.

Sec. 2B. City administrator manager.

(a) There shall be a city administrator manager in the office of the mayor who shall be the chief administrative officer of the city. The city administrator manager shall be the direct subordinate of the mayor and the immediate supervisor of each department director. As immediate supervisor of each department director, the city manager shall be responsible for job performance evaluations of department directors. ~~The city administrator shall serve as the supervising authority of the office of the mayor.~~

(b) The city administrator manager shall be appointed by the mayor and confirmed by the city council solely on the basis of his/her knowledge, experience and training. The city manager may be removed from office by the Mayor. The city administrator manager shall have had, prior to appointment, an advanced degree in business or public administration from an accredited college or university and at least five years' experience in public administration; or an equivalent combination of education and experience. The city administrator manager shall be thoroughly familiar with contemporary budgeting and accounting practices.

(c) The city administrator manager shall devote full time to the duties of the office.

(d) The compensation of the city administrator manager shall be fixed by the mayor according to the provisions of an executive pay plan formulated by the Council Compensation Commission and adopted by ordinance.

(e) The city administrator manager shall have the following additional powers and duties:

(1) To administer the day-to-day operations of the municipal government and oversee the delivery of municipal services;

~~(1)~~ (2) To exercise supervisory authority over the department directors, including oversight of City Council staff;

~~(2)~~ (3) To direct the operations of the city government;

~~(3) To supervise the office of mayor at the direction of the mayor and to be responsible for the execution of the duties and responsibilities of the office of mayor;~~

(4) To supervise participate in the preparation of the city budget;

(5) To assist advise the mayor in the formation of policy and the implementation of plans to address demands for municipal services, enhance the quality of life and strengthen the economic vitality of the city;

(6) To perform such duties not inconsistent with this Charter as may be delegated by the mayor from time to time.

(f) In the event of a vacancy in the position of city manager, the Mayor shall promptly appoint a qualified person to serve as acting city manager. The acting city manager may exercise all the powers of the city manager and enjoys the same immunity accorded the city manager. The acting city manager shall receive such compensation as determined

1 by the Mayor that is consistent with the executive pay plan. However, if the position of
2 city manager remains vacant for more than six months, no compensation may be paid
3 to an acting city manager without the approval of the Council at every six month
4 interval.

5
6 (g) An acting city manager may not serve in two capacities as an employee within the
7 City Government.

8
9 **SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**
10 **COUNCIL** that the date of adoption of this Resolution is _____, and the
11 amendments of the Charter of the City of Annapolis, hereby enacted shall become
12 effective on December 7, 2009, unless a proper petition for referendum hereon shall be
13 filed as permitted by law within 50 days of adoption, provided a complete and exact
14 copy of this Resolution shall be continuously posted on the bulletin board in the City Hall
15 until _____, and provided further that a copy of the title of this Resolution
16 shall be published in "The Capital", a newspaper of general circulation in the City of
17 Annapolis, or in any other newspaper of such general circulation, once in each of the
18 weeks on _____, _____, _____, and
19 _____.

20
21 **SECTION III: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**
22 **COUNCIL** that the Mayor is hereby specifically commanded to carry out the provisions
23 of Section II hereof, and, as evidence of such compliance, the Mayor shall cause to be
24 maintained appropriate certificates of publication of the newspaper or newspapers in
25 which the title of the Resolution shall have been published and if a favorable
26 referendum is held on the Charter change, shall declare the Charter change hereby
27 enacted to be effective on _____, by affixing her signature hereto in the
28 space provided on the effective date of change.

29
30 **SECTION IV: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**
31 **COUNCIL** that as soon as the Charter Amendment hereby enacted shall become
32 effective, either as provided herein or following a referendum, the Mayor shall send to
33 the Maryland Department of Legislative Services a copy of this Resolution showing the
34 number of Aldermen voting for and against it and a report on the votes cast for or
35 against the amendment hereby enacted at any referendum thereon and the date of
36 such referendum.

37
38 The above Charter Amendment was enacted by the foregoing Resolution which
39 was passed at a _____ meeting of the Annapolis City Council on _____, 2008;
40 _____ voting in the affirmative, _____ voting in the negative, _____ abstaining and _____
41 absent and the said Resolution becomes effective in accordance with law on the
42 _____ day of _____.

43

ADOPTED this _____ day of _____, 2008.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

Regina C. Watkins-Eldridge, CMC
City Clerk

BY: _____
ELLEN O. MOYER, MAYOR

EXPLANATION:

Highlighting indicates matter added to existing law.
~~Strikeout indicates matter deleted from existing law.~~
Underlining indicates amendments.

CA-06-08

City Manager Form of Government II

Staff Paper

This legislation seeks to accomplish a number of changes to the City Charter of Annapolis with respect to the position of city administrator. The most apparent change is in the title of the position, from that of “administrator” to “manager.” Art. I, § 2. Yet the proposed charter amendment also operates substantive change to the office of Mayor and the City Council.

Under the proposed Art. I, § 3, “the making of policy is a matter for elected officials, the mayor and aldermen, who are directly accountable to the voters.” As such, the City Council has the power to “conduct oversight of the expenditure of public money and the delivery of municipal services,” Art. IV, § 2, and the mayor is responsible for the “formulation of policy and implementation of long range plans,” as well as the “recommendation of implementing legislation.” Art. V, § 1.

Although the proposed legislation grants the City Council oversight of the expenditure public funds, a check is placed on this power by forbidding aldermen to “direct the work of a director or employee of a department.” Art. IV, §2A.

The city manager will be responsible for appointing departmental directors with the approval of the mayor. Art. VI, §2(A). Likewise, the city manager is charged with “promptly” designating a “qualified person to serve as acting director, Art. VI, §2(B), and is empowered to conducting “job performance evaluations of department directors.” Art. VI, §2B. In addition, the proposed legislation stipulates that the city manager will: (1) administer the day-to-day operations of the municipal government and oversee the delivery of municipal services; (2) exercise supervisory authority over the department directors; (3) direct the operations of the city government; (4) participate in the preparation of the city budget; (5) advise the mayor in the formation of policy and the implementation of plans to address demands for municipal services, enhance the quality of life and strengthen the economic vitality of the city; and, (6) perform such duties not inconsistent with this Charter as may be delegated by the mayor from time to time.

Should the city manager position become vacant, the mayor is responsible for appointing a qualified person to serve as “acting city manager.” Art. VI, §2B(f). However, after six months, the acting city manager’s salary is subject to City Council review in six-month intervals. Ibid.